

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:	:	CHAPTER 7
BLOMQUIST BUILDERS GROUP INC.	:	CASE NO. 23-59198-WLH
Debtor.	:	

BLAKE BLOMQUIST’S RESERVATION OF RIGHTS WITH RESPECT TO REAL PROPERTY

COMES NOW, Blake Blomquist, by and through his legal counsel, and hereby submits this Reservation of Rights with respect to the following real properties (the “Properties”) in which the Debtor and Trustee claim an interest:

111 Catesby Road, Powder Springs, GA (Lot 27 in Somerset Oaks)
216 Pindos Place, Powder Springs, GA (Lot 47 in Estates @ Cornerstone)
5035 Pindos Trail, Powder Springs, GA (Lot 6 in Estates @ Cornerstone)
5749 Sunburst Drive, Powder Springs, GA (Lot 66 in Somerset Oaks)

In support hereof, Blomquist states as follows:

1. Property in which the debtor holds legal title only and not an equitable interest is not property of the Bankruptcy Estate. (See 11 USC 541(d)).
2. Pursuant to O.C.G.A §53-12-131:
 - a. A purchase money resulting trust is a resulting trust implied for the benefit of the person paying consideration for the transfer to another person of legal title to real or personal property.
 - b. Except as provided in subsection (c) of this Code section, the payment of consideration as provided in subsection (a) of this Code section shall create a presumption in favor of a resulting trust, but such presumption shall be rebuttable by a preponderance of the evidence.
3. In the present case, Blake Blomquist provided the consideration for the transfers of the Properties.
4. The parties always intended that the Properties would be owned by Blake Blomquist (or his company Blomquist Holdings, LLC) and transferred to Debtor at the time of closing of a sale to a third party.

5. Debtor merely held legal title to the Properties. Equitable title belongs to Blake Blomquist.
6. Blake Blomquist is the beneficiary of a purchase money resulting trust and any value in the property, or the property itself, must inure to his benefit.
7. Blake Blomquist reserves the right to supplement this Reservation of Rights.
8. Blake Blomquist reserves the right to raise any issue before the Court at any time.

This 9th day of February 2024

Respectfully submitted,

/s/ IAN M. FALCONE

Ian M. Falcone

GA Bar No.: 254470

Attorney for Blake Blomquist

THE FALCONE LAW FIRM, PC
363 Lawrence Street
Marietta, GA 30060
770-426-9359
imf@falconefirm.com

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CERTIFICATE OF SERVICE

This is to certify that I have on this day electronically filed the foregoing "Reservation of Rights" using the Bankruptcy Court's Electronic Case Filing program, which sends a notice of this document and an accompanying link to this document to the following parties who have appeared in this case under the Bankruptcy Court's Electronic Filing program:

Evan Altman evan.altman@laslawgroup.com	Office of the United States Trustee ustpreion21.at.ecf@usdoj.gov
G. Frank Nason, IV fnason@lcnlaw.com , NasonFR86494@notify.bestcase.com ;rstude r@lcnlaw.com	S. Gregory Hays ghays@haysconsulting.net saskue@haysconsulting.net GA32@ecfcbis.com
Leslie M. Pineyro lpineyro@joneswalden.com	

This is to further certify that I have this day served the *Reservation of Rights* by first class, United States mail, with postage prepaid fully thereon, to the following parties:

Blomquist Builders Group, Inc.
Attn: Jennifer Blomquist
3478 Rabbit Run
Acworth, GA 30101

This 9th day of February 2024.

/s/ IAN M. FALCONE
Ian M. Falcone
Georgia Bar No. 254470
Attorney for Blake Blomquist

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Marietta, GA 30060
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imf@falconelawfirm.com